

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEMETRIOUS DWAN JONES,

Plaintiff,

v.

WARDEN BETH RICKARD, *et al.*,

Defendants.

No. 4:24-CV-02254

(Chief Judge Brann)

ORDER

AND NOW, this 28th day of March 2025, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Plaintiff's individual capacity claims under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), are **DISMISSED** without prejudice as to all Defendants pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.
2. Plaintiff's official capacity *Bivens* claims are **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1) as frivolous and pursuant to 28 U.S.C. § 1915A(b)(2) for seeking monetary relief from a defendant who is immune from such relief. Plaintiff may not include such claims in any amended pleading, as they are unequivocally barred by sovereign immunity and therefore this Court lacks subject matter jurisdiction to entertain them.
3. Within 21 days of the date of this Order, Plaintiff, if desired, may file an amended complaint in accordance with the accompanying Memorandum. Plaintiff must adhere to the specific directions for amendment provided in the accompanying Memorandum.

4. If no amended complaint is timely filed, dismissal of Plaintiff's complaint will automatically convert to dismissal with prejudice and the Court will CLOSE this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge